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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:7600 of 2005

DATED: 11-07-2006

Between:

1. N.V.H.Sastry and 3 others

..... PETITIONER

AND

1. The Union of India, rep.by the Secretary to Government, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, Central Secretariat, New Delhi and 2 others.

.....RESPONDENTS

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JUDGMENT:(per RR,J)

Heard Sri N.Ramamohan Raothe learned counsel for the petitioners and Sri A.Rajasekhar Reddy, learned Assistant Solicitor General for the Union of India.

The grievance of the petitioners, i.e., the Vice-Chairman and Members of the A.P. Administrative Tribunal, Hyderabad, is that despite the State Government submitting a proposal, vide its letter

No.12451/B/03-5 dated 07-07-2004, for fixation of the pay payable to the Chairman, Vice-Chairman and Members of the A.P. Administrative Tribunal, no action has, as yet, been taken thereupon by the Central Government. While the relief sought for in the writ petition includes a direction to declare the proviso to Rule 3 of the A.P. Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1989, to the extent the entire pension payable to the petitioners on account of the service rendered by them as IAS Officers prior to their appointment in the Administrative Tribunal of A.P. as arbitrary and illegal, Sri N.Ramamohan Rao, learned counsel for the petitioners, would submit that the petitioners would be content, for the present, if the first respondent was directed to take an early decision on the proposals submitted by the State Government on 07-07-2004.

While a counter-affidavit has been filed by the State Government, despite several adjournments being granted no counter has been filed on behalf of the first respondent.

Since the proposed amendment to the proviso to R-3 is said to have been accepted by the Pay Commission and the proposal in this regard has already been submitted to the first respondent by the second respondent herein, vide its letter dated 07-07-2004, it would meet the ends of justice if the writ petition is disposed of with a

direction to the first respondent to consider the proposal, submitted by the second respondent on 07-07-2004, and take an appropriate decision thereupon, as expeditiously as possible, not later than four months, from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. However, in the circumstances, without costs.

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11th July, 2006

SKM